

1 ⁵⁶~~55~~. The method as recited in claim 1, further comprising the step of importing the
2 product into a country using the data record.

1 ⁵⁷~~56~~. The method as recited in claim 1, further comprising the step of exporting the
2 product into a country using the data record.

1 ⁵⁸~~57~~. The method as recited in claim ⁵⁶~~55~~, wherein the data record is used to facilitate the
2 importing of the product into the country.

1 ⁵⁹~~58~~. The method as recited in claim 31, wherein the data record is used to create a
2 customs entry report to facilitate the importing of the product into the country.

1 ⁶⁶~~59~~. The method as recited in claim 1, further comprising the step of linking to a
2 harmonized tariff schedule in a split screen with the data record.

REMARKS

Claims 1-26 are pending in the Application.

Claims 1-26 stand rejected.

New claims 27-59 have been added.

The amendments to the Specification are shown in the attached Appendix.

I. DRAWINGS

The drawings are objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because they do not include the referenced label 200, which is disclosed on page 16, line 4. In response, Applicants have amended the Specification to replace "200" with "213."

Further, the Examiner asserts that elements 220, 240, 224 and 236 need descriptive labels. Applicants disagree. According to 37 C.F.R. 1.84(n), graphical drawing symbols may be used for conventional elements when appropriate. In FIGURE 2, element 220 is represented by the well known symbol for a disk storage device, 240 is represented by the well known symbol for a tape drive, 224 is depicted by the well known symbol for a keyboard. 236 in FIGURE 2 already has a descriptive label.

The drawings are also objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because elements 213 and 240 are not mentioned in the Specification. Applicants have amended the Specification to correct this typographical error.

II. SPECIFICATION

The disclosure is objected to because of a couple of informalities noted by the Examiner in paragraph 4, page 2, of Paper No. 7. In response, Applicants have amended the Specification to correct the informalities.

III. REJECTION UNDER 35 U.S.C. § 103

Claims 1-26 stand rejected under 35 U.S.C. § 103 as being unpatentable over *Chelliah, et al.* (U.S. Patent No. 5,710,887) in view of the press release by *From2.com*. In response, Applicants respectfully traverse the rejection.

Applicants respectfully traverse the rejection of claims 1-26, since Applicants assert that the press release by *From2.com* is not prior art, for the reasons that the invention recited within the claims of the above-identified patent application was conceived of prior to July 30, 1999, which is the date of the *From2.com* press release. Conception is the formation in the mind of the inventor of a definite and permanent idea of the complete and operative invention, as it is therefore to be applied in practice[.] ... [c]onception must include every feature or limitation of the claimed invention. *Kridl v. McCormick*, 105 F.3d 1446, 1449, 41 U.S.P.Q.2d 1686, 1689 (Fed. Cir. 1997). One of the enclosed Declarations by the inventor, Cliff Burke Thompson,

provides the evidence of the conception of the invention as recited in the claims prior to July 30, 1999. The Declaration clearly sets forth that the specific means and method were conceived, and not just a desirable end or result. *Amax Fly Ash Corp. v. United States*, 514 F.2d 1041, 1047, 182 U.S.P.Q. 210 (Ct. Cl. Trial Div. 1975), *aff'd.*, 185 U.S.P.Q. 477 (Ct. Cl. 1975). Declarations by Charles Normann and Al Oviedo II provide the corroborating evidence of such a conception. Conception must be proved by corroborating evidence which shows that the inventor disclosed to others his invention. *Kridl* at 105 F.3d, 1449-1450.

The invention as recited in the claims was actually reduced to practice in November of 1999 by the creation of software by Charles Normann, who supports such an event with the enclosed Declaration by Charles Normann.

Applicants were diligent in actually reducing to practice the invention, as claimed, through the time period from conception to the actual reduction to practice. This is supported by the Declaration of Cliff Burke Thompson, which is enclosed. The Declaration of David Kirby, the other inventor of the above-identified patent application, also supports the diligence of the Applicants in actually reducing to practice the invention. As both Declarations assert, both Messrs. Thompson and Kirby were fully employed during this time period, but devoted the remainder of their time to diligently reducing to practice the invention. Diligence must be considered in light of all the circumstances and the question to answer is whether the inventor was pursuing his goal in a reasonably continuous fashion. *Mahurkar v. C. R. Bard, Inc.*, 79 F.3d 1572, 1577 (Fed. Cir. 1996). An inventor does not have to drop all other work and concentrate on the particular invention involved. *Id.*

It is asserted that the Applicants pursued the reduction to practice of the invention with diligence during the time period between July and November of 1999. This is corroborated by Declarations of Charles Normann and Al Oviedo II.

As a result of the foregoing, Applicants respectfully assert that the rejections of claims 1-26 have been overcome.

With respect to claims 2 and 11, the Examiner asserts that transmitting a data record or receipt using email is a practice well known in the art. Applicants respectfully traverse the Examiner's assertion. Though the use of email to transmit documents such as data records and receipts may be well known in the art, it is not well known in the art to output a data record in response to a step of matching a product identifier identifying the product to the product identifiers in the database, wherein the data record includes tariff classification information associated with the product identifier identifying the product, wherein this data record is then emailed to a second terminal coupled to a network that processes import/export transactions. Under MPEP § 2144.03, since Applicants have traversed the Examiner's assertion of what is well known in the art, the Examiner must support such an assertion with objective evidence.

With respect to claims 3-5 and 12-14, the Examiner has also asserted that these limitations are well known in the art. Applicants also traverse these assertions by the Examiner for the same reasons as given above with respect to claims 2 and 11, and assert that the Examiner must provide an objective reference in support of his assertion under MPEP § 2141.03. As asserted above, Applicants state that it is not obvious and well known in the art to download a data record to a second terminal, print such a data record, and/or access a data record using a web browser or such a data record includes tariff classification information associated with the product identifier identifying the product.

With respect to claim 6 and 15, Applicants respectfully assert that neither *Chelliah* nor *From2.com*, nor their combination, teaches or suggests the step of electronically transmitting invoice data from a first terminal to a server, wherein the invoice data is associated with an import/export transaction at a first terminal coupled to the network, and wherein the invoice data includes a product identifier identifying a product to be transported in the import/export transaction. As a result, Applicants respectfully assert that one skilled in the art at the time the invention was made would not have been able to recreate the claimed invention in view of the cited prior art references.

Regarding claims 7 and 16, Applicants respectfully assert that neither *Chelliah* nor *From2.com*, nor their combination, teaches or suggests the inputting of the invoice data into a web site associated with the database, wherein the invoice data includes a product identifier identifying a product to be transported in an import/export transaction, and wherein the database is a database of product identifiers and tariff classification information particular to each of the product identifiers.

Regarding claims 8, 17, and 21, Applicants respectfully traverse the Examiner's assertion that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the capability of updating the database from a third terminal coupled to the network. As a result, Applicants respectfully assert that the Examiner must support his assertion of what is well known in the art with objective evidence, as required under MPEP § 2144.03.

With respect to claims 9 and 18, the Examiner has asserted that Applicants' transaction database reads on element 128 in *Chelliah*. Applicants respectfully traverse. Applicants respectfully assert that the Examiner is ignoring the limitations of claims 9 and 18, except for the recitation of a transaction database. In other words, the Examiner has not specifically addressed the recording of results of the matching step into a transaction database hosted by the server, wherein the matching step matches the product identifier identifying the product to the product identifiers in the database.

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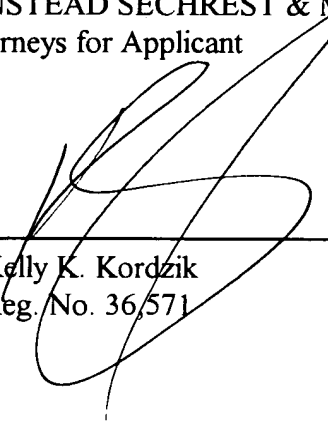
IV. CONCLUSION

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problem.

Respectfully submitted,

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APPENDIX

- (1) Please rewrite the paragraph on page 13, lines 1-14 as follows:

Returning [the] to FIGURE 1, box 103 represents, that in addition to customhouse brokers, an importer or exporter usually contracts for the services of freight forwarders and/or international integrators or consolidators. Their job is to plan, implement, and coordinate the logistics of moving the goods. They are responsible for ensuring the products are picked up at origin, the proper documents (i.e., bills of lading, export documents, import documents and declarations) are generated, and the movement of freight to its destination is completed. Hereinafter, "imports" will refer to all entities instigating an import or export process, including those in box 103. In accordance with an embodiment of the present invention, the importer can then send the invoice in an electronic format via the Internet 104 to an Internet website 105 (with secure access if needed). If the importer does not have an ability to send an electronic version of the invoice 102 to the website 105 (the invoice remains as a paper invoice (step 107)), then the importer can in step 108 manually input the invoice data at the website 105. For example, website 105 can implement data entry fields for permitting the importer to enter part numbers, descriptions and quantities.

- (2) Please rewrite the paragraph on page 16, lines 4-18 as follows:

Referring to FIGURE 2, an example is shown of a data processing system [200] 213 which may be used for components of the invention. The system has a central processing unit (CPU) 210, which is coupled to various other components by system bus 212. Read only memory ("ROM") 216 is coupled to the system bus 212 and includes a basic input/output system ("BIOS") that controls certain basic functions of the data processing system [200] 213. Random

access memory ("RAM") 214, I/O adapter 218, and communications adapter 234 are also coupled to the system bus 212. I/O adapter 218 may be a small computer system interface ("SCSI") adapter that communicates with a disk storage device 220 and tape drive 240. Communications adapter 234 interconnects bus 212 with an outside network enabling the data processing system to communicate with other such systems. Input/Output devices are also connected to system bus 212 via user interface adapter 222 and display adapter 236. Keyboard 224 and mouse 226 are interconnected to bus 212 via user interface adapter 222. Display monitor 238 is connected to system bus 212 by display adapter 236. In this manner, a user is capable of inputting to the system throughout the keyboard 224 or mouse 226 and receiving output from the system via display 238.